

## MINUTES OF THE SOLID WASTE MANAGEMENT BOARD MEETING

Indiana Government Center South  
402 West Washington Street  
Conference Center Rooms 4 & 5 – 1:30 p.m.  
Indianapolis, Indiana  
September 15, 2009

The meeting was called to order by Mayor William Graham, Chairperson, at 1:30 p.m. The following members were present: Mr. Tom Barnett, Mr. Marlin Chambers, Mr. Rick Dyar, Mr. Chuck Himes, Dr. Ted Niemiec, Mr. Jason Ward, Mr. Howard Cundiff, Ms. Pam Fisher, Mr. Tom Hohman, and Mr. Bart Lomont. Ms. Deborah Albright, Board Counsel, was also present. A quorum was present.

The following Indiana Department of Environmental Management (IDEM) staff members were present: Mr. Bruce Palin, Assistant Commissioner, Office of Land Quality; Mr. Steve Mojonier, Rules Development Branch, Office of Legal Counsel; Ms. Lynn West, Rules Development Branch, Office of Legal Counsel; Ms. Lydia Kuykendal, Rules Development Branch, Office of Legal Counsel; Ms. Janet Pittman, Rules Development Branch, Office of Legal Counsel; Ms. Betsy Rouse, Rules Development Branch, Office of Legal Counsel; Ms. Nancy King, Branch Chief, Rules Development Branch, Office of Legal Counsel; Ms. Ann Long, Attorney, Office of Legal Counsel.

### APPROVAL OF MINUTES

Mayor Graham asked for additions or corrections to the minutes of the Solid Waste Management Board meeting of July 21, 2009. There being none, Mayor Graham asked for a motion to approve the minutes. Mr. Himes so moved and Dr. Niemiec seconded. The motion passed unanimously.

### IDEM BRIEFING

Mr. Palin briefed the board on his recent presentation to the Environmental Quality Service Council (EQSC) where he described a number of IDEM projects and accomplishments:

VX destruction: IDEM has been working with the Army on decontamination and demolition of equipment and buildings. The Army is expected to have a final report on completion of VX destruction in October 2009, at which time that will conclude the VX situation in Indiana.

The auto salvage initiative, an EPA environmental results outreach program funded by EPA grant money to assist people who aren't normally regulated but need help working with environmental matters such as freon gasses, mercury switches, tires, auto fluids, scrap metal, etc. IDEM has conducted several workshops for facility operators. IDEM has designed a clean yard program, in which facilities do a self-audit, evaluation and submit information to the agency to achieve a "clean yard status".

The Institutional Controls Registry website ([www.in.gov/idem/5959.htm](http://www.in.gov/idem/5959.htm)) that makes restrictive covenants resulting from environmental cleanups readily available to the public. IDEM will provide a demonstration of the technical aspects of the Institutional Controls Registry at the EQSC meeting on October 1, 2009.

IDEM has eliminated the permit backlog and the renewal of permits. During the last quarter of activity, IDEM issued 316 permit decisions in half of the allowable time. One-third of those permits were septage hauler permits.

Mr. Palin discussed rules in progress for the board and responded to board questions. For a verbatim account of Mr. Palin's presentation, please see pages 4 through 17 of the official transcript.

### ANNOUNCEMENT OF NEW BOARD MEMBER

Ms. West announced that Mr. Jim Murray, Director of the Bartholomew County Solid Waste Management District, has been appointed to replace Mr. Mark Davis.

### RULES BRIEFING

Ms. West distributed the new rulemaking project list and briefed the board on new rules and rules in progress:

#09-613, Amendments to the Hazardous Waste Rules Concerning Academic Lab Waste, scheduled for first hearing on November 17, 2009.

#09-671, Illegal Drug Lab Cleanup Change Rule, notice of intent to adopt the rule under IC 4-22-2.

#09-615, amendments to rules at 327 IAC 5-4-3 and 327 IAC 5-4-3.1 concerning concentrated animal feeding operations (CAFO), 327 IAC 15-15 concerning the NPDES CAFO general permit rule program, and 327 IAC 16 concerning confined feeding operations (CFO), scheduled to be adopted by the Water Pollution Control Board.

#07-468, Fuel Delivery Prohibition Rule for underground storage tanks, final adopted by the Board at the July 2008 meeting. The Attorney General asked IDEM to re-call the rule and readopt it with amendments.

Mr. Cundiff asked about the revision to the existing rules for Illegal Drug Lab Cleanup. Mr. Mojonnier explained that IDEM is clarifying and streamlining parts of the rule based on the past two years experience. The changes will provide needed clarification, allow flexibility with criteria, update standards and reduce insurance requirements which have been an obstacle to some small operators.

#### RULEMAKING ACTION

The board undertook the following rulemaking action:

LSA Document #08-209 – Public hearing and board consideration of final adoption of amendments to 329 IAC 5, concerning Environmental Impact Statements for Major State Actions.

Mayor Graham announced the public hearing to consider final adoption of LSA Document #08-209, Amendments to 329 IAC 5 Concerning Environmental Impact Statements for Major State Actions. He introduced Exhibit A, the proposed rule, and Exhibit A-1, IDEM's suggested changes, into the record of the hearing.

Mr. Mojonnier presented the rule to the board as described in the transcript of the meeting and recommended that the board final adopt the rule with the proposed changes as presented in Exhibits A and A-1. Mr. Mojonnier responded to questions from the board. Mr. Palin and Ms. King responded to additional questions from the board and provided additional clarification. Ms. King described the external work groups for this rule and informed the board how the corresponding rules are being adopted by the Air Pollution Control Board and the Water Pollution Control Board. Please see pages 23 through 35 for a verbatim account of Mr. Mojonnier's presentation and pages 37 - 40 for Ms. King's.

No public comments were presented during the public hearing. Mayor Graham closed the public hearing and the board deliberated final adoption of the rule. Following board consideration, Mayor Graham asked for a motion to final adopt IDEM's suggested changes as presented. Mr. Himes so moved and Dr. Niemiec seconded. A roll call vote to adopt IDEM's suggested changes as presented was taken and the motion passed unanimously. Mayor Graham then asked for a motion to adopt the final rule as amended. Mr. Himes so moved and Dr. Niemiec seconded. A second roll call vote was taken and the motion to adopt the final rule as amended passed unanimously.

#### RULEMAKING ACTION RESCHEDULED

Final adoption of LSA Document #09-206, New Rules at 329 IAC 3.1-6-9 Concerning the Exclusion of a Hazardous Waste from Regulation (Delisting), was rescheduled for the board meeting to be held on November 17, 2009.

#### OPEN FORUM

Mayor Graham invited public comment on topics of interest and potential rulemakings regarding Title 329 Indiana Administrative Code. There were no public comments.

#### ADJOURNMENT

Mayor Graham adjourned the meeting at 2:16 p.m.

#### NEXT MEETING SCHEDULED

The next meeting is scheduled for Tuesday, November 17, 2009, at 1:30 p.m. at the Indiana Government Center South, Conference Center Room A, 402 West Washington Street, Indianapolis, Indiana.

